

Effective 5/10/2016

63N-13-209 Receipt of detailed proposals -- Economic feasibility report -- Acceptance of a detailed proposal.

- (1) If the committee, in its sole discretion, determines that a detailed proposal does not substantially meet the guidelines established under Subsection 63N-13-208(1), the committee may elect not to review the detailed proposal.
- (2)
 - (a) After receiving a detailed proposal, the Governor's Office of Management and Budget shall update the economic feasibility report prepared under Section 63N-13-206.
 - (b) A detailed proposal that is to be reviewed by the committee shall be submitted to the affected department, a directly affected state entity, and a directly affected school district for comment or suggestion.
- (3) In determining which, if any, of the detailed proposals to accept, in addition to the proposal evaluation criteria, the committee shall consider the following factors:
 - (a) any comment, suggestion, or modification offered in accordance with Subsection 63N-13-206(3) or Subsection (2)(b);
 - (b) the economic feasibility report updated in accordance with Subsection (2)(a);
 - (c) the source of funding and any resulting constraint necessitated by the funding source;
 - (d) any alternative funding proposal;
 - (e) the extent to which the project is practical, efficient, and economically beneficial to the state and the affected department; and
 - (f) any other reasonable factor identified by the committee or required by the board by rule.
- (4)
 - (a) If the committee accepts a detailed proposal, the accepted detailed proposal shall be submitted to the board for approval.
 - (b) If the affected department or a directly affected state entity or school district disputes the detailed proposal approved by the board, the Governor's Office of Management and Budget shall consider the detailed proposal and any comment, suggestion, or modification and determine whether to proceed with a project agreement.
 - (c) If there is no funding for a project that is the subject of a detailed proposal and the committee determines to proceed with the project, the office shall submit a report to the Governor's Office of Management and Budget and an electronic copy of the report to the Executive Appropriations Committee detailing the position of the board, the affected department, a directly affected state entity or school district.
- (5) A detailed proposal received from a private entity other than the private entity that submitted the initial proposal may not be accepted in place of the detailed proposal offered by the private entity that submitted the initial proposal solely because of a lower cost if the lower cost is within the amount of the fee paid by the private entity that submitted the initial proposal for review of the initial proposal.

Amended by Chapter 222, 2016 General Session